

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID PAYO,)	
)	
Plaintiff,)	Civil Action No. 08-1147
)	
v.)	Judge Ambrose
)	Magistrate Judge Bissoon
RAMON RUSTIN, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff David Payo's ("Plaintiff") Complaint, which alleges violations of his civil rights pursuant to 42 U.S.C. § 1983, was received by this Court on August 18, 2008. This case was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates. Plaintiff amended his Complaint on March 17, 2009 (Doc. 41), omitting some previously-named defendants. These former-defendants were terminated from this case on that date.

The Magistrate Judge issued a Report and Recommendation on August 26, 2010 (Doc. 79), in which it was recommended that the Motion for Summary Judgment filed by Defendants Rustin and Paige (Doc. 65) be granted. The Magistrate Judge's Report also recommended that the First Motion for Summary Judgment filed by Defendants Patterson, Dixon and Allegheny Correctional Health Services, Inc. (Doc. 68) be granted. A copy of the Report and Recommendation was served on Plaintiff by First Class United States Mail at his address of record. The parties were allowed until September 24, 2010, to file objections. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 28th day of Apr, 2010,

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by Defendants Rustin and Paige (Doc. 65) is GRANTED.

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by Defendants Patterson, Dixon, and Allegheny County Correctional Health Services, Inc. (Doc. 68) is GRANTED.

IT IS FURTHER ORDERED that Judge Bissoon's Report and Recommendation of August 26, 2010 (Doc. 79) is adopted as the opinion of this Court. The Clerk of the Court is hereby directed to close this case.

s/Donetta W. Ambrose
Donetta W. Ambrose
United States District Judge

cc:

DAVID PAYO

HS7147

SCI Coal Township

1 Kelley Drive

Coal Township, PA 17866